



**United States Department of State
Bureau of Consular Affairs**

VISA BULLETIN

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IMMIGRANT NUMBERS FOR MAY 2023

A. STATUTORY NUMBERS FOR PREFERENCE IMMIGRANT VISAS

This bulletin summarizes the availability of immigrant numbers during May for "Final Action Dates" and "Dates for Filing Applications," indicating when immigrant visa applicants should be notified to assemble and submit required documentation to the National Visa Center.

Unless otherwise indicated on the U.S. Citizenship and Immigration Services (USCIS) website at www.uscis.gov/visabulletininfo, individuals seeking to file applications for adjustment of status with USCIS must use the "Final Action Dates" charts below for determining when they can file such applications. When USCIS determines that there are more immigrant visas available for the fiscal year than there are known applicants for such visas, USCIS will state on its website that applicants may instead use the "Dates for Filing Visa Applications" charts in this Bulletin.

1. Procedures for determining dates. Consular officers are required to report to the Department of State documentarily qualified applicants for numerically limited visas; USCIS reports applicants for adjustment of status. Allocations in the charts below were made, to the extent possible, in chronological order of reported priority dates, for demand received by April 7th. If all reported demand could not be satisfied, the category or foreign state in which demand was excessive was deemed oversubscribed. The final action date for an oversubscribed category is the priority date of the first applicant who could not be reached within the numerical limits. If it becomes necessary during the monthly allocation process to retrogress a final action date, supplemental requests for numbers will be honored only if the priority date falls within the new final action date announced in this bulletin. If at any time an annual limit were reached, it would be necessary to immediately make the preference category "unavailable", and no further requests for numbers would be honored.

2. Section 201 of the Immigration and Nationality Act (INA) sets an annual minimum family-sponsored preference limit of 226,000. The worldwide level for annual employment-based preference immigrants is at least 140,000. Section 202 prescribes that the per-country limit for preference immigrants is set at 7% of the total annual family-sponsored and employment-based preference limits, i.e., 25,620. The dependent area limit is set at 2%, or 7,320.

3. INA Section 203(e) provides that family-sponsored and employment-based preference visas be issued to eligible immigrants in the order in which a petition on behalf of each has been filed. Section 203(d) provides that spouses and children of preference immigrants are entitled to the same status, and the same order of consideration, if accompanying or following to join the principal. The visa prorating provisions of Section 202(e) apply to allocations for a foreign state or dependent area when visa demand exceeds the per-country limit. These provisions apply at present to the following oversubscribed chargeability areas: CHINA-mainland born, INDIA, MEXICO, and PHILIPPINES.

4. Section 203(a) of the INA prescribes preference classes for allotment of Family-sponsored immigrant visas as follows:

FAMILY-SPONSORED PREFERENCES

First: (F1) Unmarried Sons and Daughters of U.S. Citizens: 23,400 plus any numbers not required for fourth preference.

Second: Spouses and Children, and Unmarried Sons and Daughters of Permanent Residents: 114,200, plus the number (if any) by which the worldwide family preference level exceeds 226,000, plus any unused first preference numbers:

A. (F2A) Spouses and Children of Permanent Residents: 77% of the overall second preference limitation, of which 75% are exempt from the per-country limit.

B. (F2B) Unmarried Sons and Daughters (21 years of age or older) of Permanent Residents: 23% of the overall second preference limitation.

Third: (F3) Married Sons and Daughters of U.S. Citizens: 23,400, plus any numbers not required by first and second preferences.

Fourth: (F4) Brothers and Sisters of Adult U.S. Citizens: 65,000, plus any numbers not required by first three preferences.

A. FINAL ACTION DATES FOR FAMILY-SPONSORED PREFERENCE CASES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

<u>Family-Sponsored</u>	All Charge-ability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	15DEC14	15DEC14	15DEC14	01APR01	01MAR12
F2A	08SEP20	08SEP20	08SEP20	01NOV18	08SEP20
F2B	22SEP15	22SEP15	22SEP15	01JUN01	22OCT11
F3	08DEC08	08DEC08	08DEC08	01NOV97	08JUN02
F4	08APR07	08APR07	15SEP05	01AUG00	22AUG02

For May, F2A numbers EXEMPT from per-country limit are authorized for issuance to applicants from all countries with priority dates earlier than 01NOV18. F2A numbers SUBJECT to per-country limit are authorized for issuance to applicants chargeable to all countries EXCEPT MEXICO, with priority dates beginning 01NOV18 and earlier than 08SEP20. All F2A numbers provided for MEXICO are exempt from the per-country limit.

B. DATES FOR FILING FAMILY-SPONSORED VISA APPLICATIONS

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the application date in the chart below may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The application date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated "current," all applicants in the relevant category may file applications, regardless of priority date.

The "C" listing indicates that the category is current, and that applications may be filed regardless of the applicant's priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit www.uscis.gov/visabulletininfo for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 4.A.) this month for filing applications for adjustment of status with USCIS.

Family-Sponsored	All Chargeability Areas Except Those Listed	CHINA-mainland born	INDIA	MEXICO	PHILIPPINES
F1	01JAN17	01JAN17	01JAN17	01DEC02	22APR15
F2A	C	C	C	C	C
F2B	01JAN17	01JAN17	01JAN17	01JAN02	01OCT13
F3	08FEB10	08FEB10	08FEB10	15JUN01	08NOV03
F4	01FEB08	01FEB08	22FEB06	01APR01	22APR04

5. Section 203(b) of the INA prescribes preference classes for allotment of Employment-based immigrant visas as follows:

EMPLOYMENT-BASED PREFERENCES

First: Priority Workers: 28.6% of the worldwide employment-based preference level, plus any numbers not required for fourth and fifth preferences.

Second: Members of the Professions Holding Advanced Degrees or Persons of Exceptional Ability: 28.6% of the worldwide employment-based preference level, plus any numbers not required by first preference.

Third: Skilled Workers, Professionals, and Other Workers: 28.6% of the worldwide level, plus any numbers not required by first and second preferences, of which not more than 10,000 may be provided to "*Other Workers".

Fourth: Certain Special Immigrants: 7.1% of the worldwide level.

Fifth: Employment Creation: 7.1% of the worldwide level, of which 32% are reserved as follows: 20% reserved for qualified immigrants who invest in a rural area; 10% reserved for qualified immigrants who invest in a high unemployment area; and 2% reserved for qualified immigrants who invest in infrastructure projects. The remaining 68% are unreserved and are allotted for all other qualified immigrants.

A. FINAL ACTION DATES FOR EMPLOYMENT-BASED PREFERENCE CASES

On the chart below, the listing of a date for any class indicates that the class is oversubscribed (see paragraph 1); "C" means current, i.e., numbers are authorized for issuance to all qualified applicants; and "U" means unauthorized, i.e., numbers are not authorized for issuance. (NOTE: Numbers are authorized for issuance only for applicants whose priority date is **earlier** than the final action date listed below.)

<u>Employment- Based</u>	All Charge- ability Areas Except Those Listed				
	CHINA- mainland born	INDIA	MEXICO	PHILIPPINES	
1st	C	01FEB22	01FEB22	C	C
2nd	15FEB22	08JUN19	01JAN11	15FEB22	15FEB22
3rd	01JUN22	01APR19	15JUN12	01JUN22	01JUN22
Other Workers	01JAN20	15APR15	15JUN12	01JAN20	01JAN20
4th	01SEP18	01SEP18	01SEP18	01SEP18	01SEP18
Certain Religious Workers	01SEP18	01SEP18	01SEP18	01SEP18	01SEP18
5th Unreserved (including C5, T5, I5, R5)	C	08SEP15	01JUN18	C	C
5th Set Asides:					
Rural (20%)	C	C	C	C	C
High Unemployment (10%)	C	C	C	C	C
Infra- structure (2%)	C	C	C	C	C

*Employment Third Preference Other Workers Category: Section 203(e) of the Nicaraguan and Central American Relief Act (NACARA) passed by Congress in November 1997, as amended by Section 1(e) of Pub. L. 105-139, provides that once the Employment Third Preference Other Worker (EW) cut-off date has reached the priority date of the latest EW petition approved prior to November 19, 1997, the 10,000 EW numbers available for a fiscal year are to be reduced by up to 5,000 annually beginning in the following fiscal year. This reduction is to be made for as long as necessary to offset adjustments under the NACARA program. Since the EW final action date reached November 19, 1997 during Fiscal Year 2001, the reduction in the EW annual limit to 5,000 began in Fiscal Year 2002. For Fiscal Year 2023 this reduction will be limited to approximately 150.

B. DATES FOR FILING OF EMPLOYMENT-BASED VISA APPLICATIONS

The chart below reflects dates for filing visa applications within a timeframe justifying immediate action in the application process. Applicants for immigrant visas who have a priority date earlier than the application date in the chart may assemble and submit required documents to the Department of State's National Visa Center, following receipt of notification from the National Visa Center containing detailed instructions. The application date for an oversubscribed category is the priority date of the first applicant who cannot submit documentation to the National Visa Center for an immigrant visa. If a category is designated "current," all applicants in the relevant category may file, regardless of priority date.

The "C" listing indicates that the category is current, and that applications may be filed regardless of the applicant's priority date. The listing of a date for any category indicates that only applicants with a priority date which is **earlier** than the listed date may file their application.

Visit www.uscis.gov/visabulletininfo for information on whether USCIS has determined that this chart can be used (in lieu of the chart in paragraph 5.A.) this month for filing applications for adjustment of status with USCIS.

Employment- Based	All Charge-ability Areas Except Those Listed	CHINA - mainland born	INDIA	MEXICO	PHILIPPINES
1st	C	01JUN22	01JUN22	C	C
2nd	01DEC22	08JUL19	01MAY12	01DEC22	01DEC22
3rd	01MAY23	01JUN19	01AUG12	01MAY23	01MAY23
Other Workers	01FEB20	01NOV15	01AUG12	01FEB20	01FEB20
4th	01OCT18	01OCT18	01OCT18	01OCT18	01OCT18
Certain Religious Workers	01OCT18	01OCT18	01OCT18	01OCT18	01OCT18
5 th Unreserved (including C5, T5, I5, and R5)	C	01JAN16	08DEC19	C	C

(Chart B. DATES FOR FILING OF EMPLOYMENT-BASED VISA APPLICATIONS continued from previous page)

Employment- Based	All Charge-ability Areas Except Those Listed	CHINA - mainland born	INDIA	MEXICO	PHILIPPINES
5 th Set Aside: (Rural – 20%)	C	C	C	C	C
5 th Set Aside: (High Unemployment – 10%)	C	C	C	C	C
5 th Set Aside: (Infrastructure – 2%)	C	C	C	C	C

B. DIVERSITY IMMIGRANT (DV) CATEGORY FOR THE MONTH OF MAY

Section 203(c) of the INA provides up to 55,000 immigrant visas each fiscal year to permit additional immigration opportunities for persons from countries with low admissions during the previous five years. The NACARA stipulates that beginning with DV-99, and for as long as necessary, up to 5,000 of the 55,000 annually allocated diversity visas will be made available for use under the NACARA program. This will result in reduction of the DV-2023 annual limit to approximately 54,850. DV visas are divided among six geographic regions. No one country can receive more than seven percent of the available diversity visas in any one year.

For May, immigrant numbers in the DV category are available to qualified DV-2023 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately		
AFRICA	60,000	Except: Algeria	35,900
		Egypt	18,650
		Morocco	45,600
ASIA	18,750	Except: Iran	6,000
		Nepal	17,775
EUROPE	30,000	Except: Russia	29,350
		Uzbekistan	10,140
NORTH AMERICA (BAHAMAS)	15		
OCEANIA	1,450		
SOUTH AMERICA, and the CARIBBEAN	2,400		

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Entitlement to immigrant status in the DV category lasts only through the end of the fiscal (visa) year for which the applicant is selected in the lottery. The year of entitlement for all applicants registered for the DV-2023 program ends as of September 30, 2023. DV visas may not be issued to DV-2023 applicants after that date. Similarly, spouses and children accompanying or following to join DV-2023 principals are only entitled to derivative DV status until September 30, 2023. DV visa availability through the very end of FY-2023 cannot be taken for granted. Numbers could be exhausted prior to September 30.

C. DIVERSITY (DV) IMMIGRANT CATEGORY RANK CUT-OFFS WHICH WILL APPLY IN JUNE

For June, immigrant numbers in the DV category are available to qualified DV-2023 applicants chargeable to all regions/eligible countries as follows. When an allocation cut-off number is shown, visas are available only for applicants with DV regional lottery rank numbers BELOW the specified allocation cut-off number:

Region	All DV Chargeability Areas Except Those Listed Separately		
AFRICA	63,500	Except: Algeria	35,900
		Egypt	30,000
		Morocco	55,000
ASIA	18,750	Except: Iran	10,000
		Nepal	17,775
EUROPE	30,000	Except: Russia	29,350
		Uzbekistan	12,500
NORTH AMERICA (BAHAMAS)	15		
OCEANIA	1,550		
SOUTH AMERICA, and the CARIBBEAN	2,740		

D. VISA AVAILABILITY IN THE EMPLOYMENT-BASED FIRST PREFERENCE (EB-1) FOR CHINA AND INDIA

Increased rest of world demand and number use in EB-1 will most likely necessitate retrogression in the final action dates for China and India in the coming months to hold number use within the maximum allowed under the FY-2023 annual limits. This situation will be continually monitored, and any necessary adjustments will be made accordingly.

E. FURTHER RETROGRESSION IN THE EMPLOYMENT-BASED SECOND PREFERENCE (EB-2) FOR REST OF WORLD COUNTRIES, MEXICO, AND PHILIPPINES

In the April 2023 *Visa Bulletin*, the EB-2 final action dates for Rest of World, Mexico, and the Philippines retrogressed to keep number use within the FY 2023 annual limit. This was due to higher than expected demand from applicants with priority dates earlier than the established final action dates. The Department and USCIS continue to see increased demand from these applicants, necessitating further retrogression. As a result, the Rest of World, Mexico, and Philippines EB-2 final action dates have retrogressed to 15FEB22. This situation will be continually monitored, and any necessary adjustments will be made accordingly.

F. VISA AVAILABILITY IN THE EMPLOYMENT-BASED SECOND PREFERENCE (EB-2) AND THE EMPLOYMENT-BASED FIFTH PREFERENCE (EB-5) FOR INDIA

Despite recent retrogressions, there continues to be high demand for EB-2 and EB-5 visa numbers by applicants with priority dates earlier than the established final action dates. As a result, it will be necessary to retrogress the India Employment Second Preference and Employment Fifth Preference final action dates as early as next month to keep visa issuances within their annual per-country limit. Every effort will be made in October to return the final action dates to at least the final action dates announced for April.

G. VISA AVAILABILITY IN THE EMPLOYMENT-BASED THIRD PREFERENCE (EB-3) FOR REST OF WORLD COUNTRIES, MEXICO, AND PHILIPPINES

As readers were informed was possible in Item E of the March 2023 *Visa Bulletin*, it has become necessary to establish EB-3 final action dates for Rest of World, Mexico, and Philippines, effective in May, to hold number use within the maximum allowed under the FY-2023 annual limit. Applicants from Rest of World, Mexico, and Philippines are subject to a final action date of 01JUN22. This situation will be continually monitored, and any necessary adjustments will be made accordingly.

H. VISA AVAILABILITY IN THE EMPLOYMENT-BASED THIRD PREFERENCE "OTHER WORKERS" (EW) CATEGORY

Higher than expected number use in the EW category, most notably amongst applicants with early priority dates, will likely necessitate further corrective action in the Rest of World, Mexico, and Philippines final action dates in the coming months to hold number use within the maximum allowed under the Fiscal Year 2023 annual limit. This situation will be continually monitored, and any necessary adjustments will be made accordingly.

I. FOR THE LATEST INFORMATION ON VISA PROCESSING AT U.S. EMBASSIES AND CONSULATES, PLEASE VISIT THE BUREAU OF CONSULAR AFFAIRS WEBSITE AT TRAVEL.STATE.GOV

CA/VO: April 7, 2023